

May 28, 2010

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Retaining Wall Reconstruction at McFarlan Street, Eureka
WDID No. 1B10041WNHU

Humboldt County

On April 20, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Nance Pec and Mr. Chuck Crouse (Applicants), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities associated with reconstruction of an unpermitted and failing retaining wall. The proposed project may cause disturbance to waters of the United States associated with wetlands in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project involves removal and reconstruction of an earthen fill, concrete, and riprap retaining wall that was installed by the previous property owner without appropriate permits. The fill material associated with the unpermitted retaining wall extends beyond the Applicants' property line, does not meet applicable code requirements, and encroaches on an area that exhibits wetland characteristics. The Applicants are proposing to pull the existing fill material away from the wetland area and rebuild the retaining wall within the limits of their property in accordance with applicable permits and codes.

The proposed fill removal activities may result in minor temporary impacts to waters of the United States. The reconstructed retaining wall will not result in any new permanent impacts to wetlands or other waters of the United States. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation will include the use of Best Management Practices for sediment and erosion control. The project is scheduled for implementation during the summer of 2010. The project is expected to take two weeks to complete.

The Applicant has obtained after-the-fact authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 18, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Class 3, Section 15303 – new construction or conversion of small structures) and anticipate filing a Notice of Exemption for this project.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.